

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert A. MacDonald

Attorney Docket: KEY1017USC1

Serial No.: 10/601,051

Group Art Unit: 3673

Filed: June 20, 2003

Examiner: Jong Suk Lee

For: RETAINING WALL BLOCK SYSTEM

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22323-1450

Dear Sir:

Pursuant to Sections 1.56, 1.97, and 1.98 of Title 37 of the Code of Federal Regulations, the following information is set forth in compliance with Applicants' duty of disclosure, as well as the duty of others substantively involved in the preparation of the above-titled application.

No item of information cited herein was cited in a communication from a foreign patent office in a counterpart foreign application and, in accordance with § 197(e)(2) of the Code of Federal Regulations, to the knowledge of the undersigned after having made reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in § 1.56(e) more than three months prior to the filing of this Information Disclosure Statement. More specifically, the cited information comprises an Answer dated September 24, 2004 served by Defendant E.P. Henry

Certificate of Express Mailing (37 C.F.R. § 1.10)

I hereby certify that this paper or fee is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Mailing Label No. EV 532431694 US in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Date: November 10, 2004

Signature: Jodi Jung

Name: Jodi Jung

Corporation in Civil Action No. 1:04-cv-02986-FLW-AMD, United States District Court for the District of New Jersey. In that litigation Keystone Retaining Wall Systems, Inc., the assignee of the present application, has alleged that products made by the Defendant infringe U.S. Patent Nos. 6,147,352 and 6,637,981. The '352 and '981 patents and the present application are members of the same patent family sharing a common disclosure and claiming priority to an application originally filed February 11, 1999.

The Answer cited herein contains an allegation that the '352 and '981 patents are invalid under 35 U.S.C. § 102 and/or § 103 but includes no specific reasons or grounds to support the allegation. Applicant believes, however, based on prior communications with Defendant that the allegations of invalidity are based upon references already cited and considered by the Examiner in the prosecution of this application including the following: U.S. Patent No. 5,622,456; Canadian Patent No. 2,193,942 and Creta Product Brochure dated April 15, 1996.

The Applicant and others substantively involved in the preparation of the application are aware of the document, cited on the enclosed PTO-1449 form, and have enclosed a copy of the listed document.

The present statement reflects the direct knowledge of the undersigned and information disclosed to the undersigned by the Applicant and others substantively involved in the preparation of the present application pursuant to their duty under 37 C.F.R. § 1.56.

Applicant reserves the right to show, pursuant to 37 C.F.R. § 1.131 or otherwise, that any one or more of the documents cited on the PTO-1449 form is not prior art to the present invention.

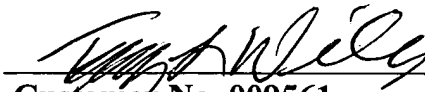
The fee of \$180.00 is enclosed (under 37 C.F.R. § 1.17(p)).

Pursuant to the Manual of Patent Examining Procedure, Chapter 609,
Applicant requests that the Examiner consider the listed document and initial and
return to the undersigned a copy of the enclosed PTO-1449 form.

It is believed that no additional fees are due in connection with this
submission. However if this is incorrect, please charge any additional fees to
Deposit Account No. 16-2312.

Respectfully submitted,

Dated: 11/10/04

By 
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.